

Drone Use on Moorland: Key Legal Facts for Landowners

Permission Requirements:

- **Flying vs. landing/takeoff:** Drones can normally overfly land (even private and open-access land) without special permission if flown safely and at a reasonable height.¹ However, landing or taking off on private land **always requires the landowner's permission**. If a drone makes a forced landing on your land (e.g. crash), the operator must obtain your permission before retrieving it.²
- **Open Access land:** Under the Countryside and Rights of Way Act (CROW Act 2000), the public may walk on mapped open country (mountain, moor, heath, down). This right is **on foot only**, and the Act specifically forbids activities like filming or photography without permission.³ A drone flying overhead is not explicitly covered by CROW rights, but if it is recording/photographing people or land it may breach those restrictions.
- **Near/over buildings or property:** The Civil Aviation Authority (CAA) rules (see below) require drones to stay at least 50 m from people and buildings (unless taking off/landing from that site). In practice, flying *above* buildings is allowed if safe (within height limits), but flying very low or filming into windows without consent could raise privacy or nuisance issues.

Key Laws & Rules:

- **CAA Drone Code (CAP 2320, 2024):** The Civil Aviation Authority's Drone & Model Aircraft Code (similar to a Highway Code) sets out basic safety rules. Pilots must register drones over 250g or with cameras and pass a theory test (FlyerID). They must fly below 120 m (400 ft), keep visual line-of-sight, not endanger people/property, respect privacy, and avoid restricted zones.⁴ The Code specifically requires operators to *report suspicious or dangerous drone activity to police (101)* and to *obtain landowner permission before retrieving a drone from private property*.
- **Air Navigation Order 2016 (ANO):** This UK statute enshrines the Drone Code rules into law. It defines drones as "Unmanned Aircraft" and sets limits (no flights over 400 ft,

¹ <https://www.caa.co.uk/drones/reporting-concerns-about-safety-privacy-and-illegal-flying/concerns-about-privacy-and-illegal-use-of-drones/#:~:text=Without%20authorisation%2C%20it%20is%20illegal,to%20fly>

² CAA, The Drone and Model Aircraft Code, CAP2320 - March 2024 – Section 18.

³ <https://www.gov.uk/guidance/open-access-land-management-rightsandresponsibilities#:~:text=,wildlife%20or%20habitats%20with%20intent>

⁴ <https://www.met.police.uk/advice/advice-and-information/drones/drones/#:~:text=Don%E2%80%99t%20fly%3A>

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near airports or prisons, etc.).⁵ Illegal flights (e.g. above 120 m, in restricted airspace, or within 150 m of congested areas without permission) can be reported to police.⁶

- **Civil Aviation Act 1982 (CAA 1982):** Section 76 provides that *flying an aircraft at a reasonable height above land is not trespass*. In other words, simply overflying at normal height is generally lawful. However, the same Act imposes **strict liability** on drone operators for any **damage or injury** their drone causes to people or property. Thus if a drone crashes into a fence or animal, the operator is automatically responsible.
- **Data Protection Act 2018 (UK GDPR):** Drones often carry cameras. Capturing identifiable images of people may count as processing personal data. Drone operators must follow data protection law (e.g. get consent or have a lawful basis) and respect privacy. Misusing images (e.g. posting videos without consent) can breach GDPR/DPA, and the Information Commissioner's Office (ICO) can investigate or fine offenders.
- **Trespass & CROW Act:** Ordinary trespass (unauthorised entry by people) remains a civil matter. Flying overhead is *not* trespass if at a reasonable height. However, landing on or hovering very low over property might interfere with owners' enjoyment. Under the CROW Act, the public's "right to roam" on moorland is limited to walking; it does not include drone flying or filming without permission. (Landowners should note that on designated open-access moorland, people are allowed on foot but still cannot film or disturb wildlife without consent.)
- **Protection from Harassment Act 1997:** This criminal law can apply if someone repeatedly uses a drone to harass or distress people. For example, a drone flown daily to spy on or intimidate a land manager could amount to harassment under this Act.
- **Aggravated Trespass (CJPOA 1994, s.68):** This law makes it an offence if someone trespasses *and* intentionally intimidates, obstructs or disrupts lawful activities on the land. If, for instance, activists trespass on a shoot and use a drone to film or harass gamekeepers (disrupting grouse management), they could be guilty of aggravated trespass.

Actions for Landowners:

- **Stay calm and observe:** Do *not* try to shoot down or grab the drone – that is dangerous and unlawful. Instead, note what's happening.
- **Engage politely:** If the operator is visible or you can approach safely, calmly explain you are the landowner/gamekeeper and ask why the drone is there. Check if they have

⁵ <https://www.caa.co.uk/drones/reporting-concerns-about-safety-privacy-and-illegal-flying/concerns-about-privacy-and-illegal-use-of-drones/#:~:text=Without%20authorisation%2C%20it%20is%20illegal,to%20fly>

⁶ <https://www.nats.aero/faq/ive-just-seen-a-drone-related-safety-event-what-should-i-do/#:~:text=If%20you%20see%20a%20drone,the%20police%20by%20telephoning%20101>

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permission from you or any regulator. Note their name or CAA OperatorID if given. A courteous approach often solves misunderstandings.

- **Gather evidence:** Record the date, time and exact location (e.g. map grid reference). Note the drone's color, model, and any registration number. Take photographs or video of the drone *from a safe distance* if you can. If anyone is with the operator (e.g. protesters), note descriptions of those people too. Document any conversation with the operator factually (what was said, response). Good evidence includes pictures of the drone in flight and logs of incidents.
- **Check permissions:** If the operator attempted to land or is standing on your land, remind them that this is private property. You have the right to ask them to leave if they are on land without permission. You can refuse them entry and request they stop flying from or over your property.
- **Prevent repeat access:** Consider clear signage ("No drones without permission") at common entry points or trailheads. Farmers sometimes post warnings that unauthorized drone use is prohibited. (Note: a sign has no special legal force against the sky, but it does clarify your expectations.)

Involving the Police:

- **Emergency (999):** If the drone is creating an immediate safety hazard (e.g. flying into power lines) or the operator is threatening violence, call 999. Also call 999 if you see a drone near sensitive sites (airfields, prisons) or if anyone is in immediate danger.
- **Non-emergency (101):** Call 101 to report *suspected illegal or dangerous drone use*. The CAA advises contacting police if a drone is flown illegally (over 120m, near airports/prisons/hospitals, over crowds). Police may not have a specific "drone law" for nuisances, but they can deal with safety risks, harassment, or repeated trespass.
- **Information to provide:** When contacting the police, give clear facts: date/time, location (with map or grid reference if possible), drone description (color, size, markings, "phantom 4" etc.), flight path and behavior (was it hovering, following people, circling?), operator appearance or IDs. Mention if any animals or people were endangered or frightened. Share photos or videos you've taken. Tell them if this has happened before (persistent problem) and if you have identified the operator. Explain any context – for example, "This drone flew low over our sheep at 7am."
- **Serious concerns:** Stress any elements of *nuisance, harassment, or criminal intent*. For example, a drone used to film a shoot day in order to share on social media (encouraging trespass) or persistently circling a house could may result in the police taking formal action.

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Proportionate Response:

- Keep interactions factual and non-confrontational. The aim is safety and compliance, not conflict. Landowners should *not* threaten or use force – aggressive actions (like shooting at a drone) can land you in criminal trouble.
- Emphasize **safety and disturbance**: e.g. “That drone worries me because it could spook cattle and endanger drivers on the nearby road.”
- Report responsibly: Provide evidence and let the authorities enforce the rules. Avoid emotional language or threats. A supportive, problem-solving tone is most effective.

Addressing Persistent Issues:

- **Document & warn**: Maintain a log of each drone incident (dates, times, effects). If you identify the same operator or group, you can send a formal written warning (via registered mail) stating that unauthorized flights are not permitted and future incidents will be reported.
- **Contact CAA**: Report dangerous or repeated misuse to the Civil Aviation Authority through their online forms or reporting service.⁷ The CAA can investigate if aviation regulations (e.g. height limits) are being broken.
- **Insist on lawful use**: If drones are disturbing wildlife or livestock (e.g. flushing nests or flocks), mention this to authorities. Certain wildlife (ground-nesting birds, deer) are protected by law from disturbance. Multiple incidences could lead to police or wildlife agency involvement.
- **Legal options**: For chronic nuisance, consult a solicitor. You may have a private **nuisance** claim if the drone severely interferes with your use of land. In harassment scenarios (targeted filming, stalking), the Protection from Harassment Act can apply. In extreme cases, you could seek a court injunction to ban specific operators from your land.
- **Community action**: Inform other moorland owners about the issue. There are volunteer “no-fly zone” schemes (like DroneSafe’s map⁸) where you can register sensitive sites; while not legally binding, they raise awareness. Cooperate with any wildlife or sporting groups, as coordinated reporting can strengthen your case.

⁷ <https://e2.aviationreporting.eu/reporting>

⁸ <https://dronemap.uk/>

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Aggravated Trespass (Genuine Disruption):

- If drone use is clearly part of a protest or direct action – for example, activists trespass onto the moor to film or harass a shoot day – this can amount to *aggravated trespass*. Under the Criminal Justice & Public Order Act 1994, it is an offence to trespass and **intend to intimidate, obstruct or disrupt** lawful activities. Poaching, protest-saboteurs, or extremist groups using drones to spy on a shoot could fit this.
- **What to do:** If you suspect such an incident (e.g. you catch drone operators hiding or filming covertly, or they have bonded with ground trespassers), call the police immediately. Provide evidence (photos of the drone in low flight, videos of the protest, witness statements of disruption). Emphasize that the activity (gamekeeping, shooting, animal tending) is a lawful enterprise being interfered with. Police can then arrest or charge the perpetrators under aggravated trespass law.
- **Evidence gathering:** Take clear photos of the people on the land and the drone, note their numbers and actions. Keep any social media posts (some activists post their drone footage online – this can be used as evidence). File a detailed report with police, naming the event.
- **Thresholds:** Remember, *mere overflight* (with no other mischief) is unlikely to trigger aggravated trespass. The offence is made out when the trespassers intend to stop your normal activities. If they are just drifting a drone over from a public right-of-way and not stepping onto your land or confronting you, police may treat it as a civil matter. However, if it's a planned intrusion (e.g. activists entering your moorland under the drone), it crosses into criminal territory.

Variations in Wales:

Wales follows the same overall drone and trespass laws as England. The Civil Aviation Authority, Air Navigation Order, and Data Protection rules apply UK-wide. Open-access moorland in Wales is also covered by the CROW Act 2000. However, who you deal with might differ: in Wales, Natural Resources Wales (NRW) replaces Natural England, and there may be specific regulations from Welsh national parks (e.g. Snowdonia or Pembrokeshire have their own drone guidance). Animal protection laws (Wildlife and Countryside Act 1981) also apply across Wales. Always check if the moorland is subject to Welsh environmental designations (SSSI, national park bylaws) or local Drone Restriction Notices. Otherwise, the advice above is the same – just substitute Welsh authorities or signage where relevant.

Disclaimer: This fact sheet provides general guidance based on current UK law and is not legal advice. For complex situations or enforcement, please consult a qualified solicitor or local authority.

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